

Name/Number: 09870939 Total Records Found: 11

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Accounting Date	Sequence Num.	Tran Type	Fee Code	Fee Amount Mailroom Date	Payment Method
10/16/2001	00000024	<u>1</u>	<u>101</u>	\$740.00 10/12/2001	DA 501078
10/16/2001	00000025	<u>1</u>	<u>103</u>	\$306.00 10/12/2001	DA 501078
10/16/2001	00000026	<u>1</u>	<u>102</u>	\$168.00 10/12/2001	DA 501078
10/16/2001	00000027	1	<u>105</u>	\$130.00 10/12/2001	DA 501078
09/04/2002	00000006	<u>1</u>	<u>581</u>	\$40.00 09/03/2002	DA 501078
01/23/2003	00000112	1	<u>1251</u>	\$110.00 01/21/2003	DA 501078
01/23/2003	00000113	<u>1</u>	<u>1201</u>	\$84.00 01/21/2003	DA 501078
01/23/2003	00000114	<u>1</u>	<u>1202</u>	\$36.00 01/21/2003	DA 501078
12/29/2003	00000067	<u>1</u>	<u> 1801</u>	\$770.00 12/19/2003	DA 501078
12/29/2003	00000068	<u>1</u>	<u>1251</u>	\$110.00 12/19/2003	DA 501078
05/05/2005	00000003	<u>1</u>	<u>1402</u>	\$500.00 01/11/2005	DA 501078

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ATTORNEY DOCKET NO. 10010791-1

AGILENT TECHNOLOGIES, INC.
Logal Dupartment, DL429
Intelloctual Property Administration
P. O. Box 7599
Leveland, Colorado 80537-0599

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):	Douglas A. Amo	orese			
Serial No.;	09/870,939		Exemin	er:	Betty J. Forman
Filing Date:	May 30, 2001		Group A	Art Unit:	1634
Title:	COMPOSITE AR	RAYS			
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Sir;		TRANSMITTAL	OF APPE	AL BRIE	E
Transmitted November 1	herewith is the Api 7, 2004 .	peal Brief in this application	on with res	pect to ti	ne Notice of Appeal filed on
The fee for fi	ling this Appeal Br	iof is (37 CFR 1.17(c)) \$5 (complete (a) o		(cabia)	
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(a) Appil	cant petitions for a ber of months che	in extension of time unde	r 37 CFR 1	.138 (fee	ps: 37 CFR 1.17(a)(1)-(5)) for
	one month two months three months four months	\$ 110.00 \$ 430.00 \$ 980.00 \$1530.00			
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A duplicate c	opy of this transmi	Ital letter is enclosed.			
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P.O. Box 145	0, Alexandria, VA 2231	3-1450.			- Andrews of the state of the s
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## APPELLANTS' BRIEF

Address to:
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Assistant Commissioner for Patents
Alexandria, VA 22313-1450

Attorney Docket	10010791-1			
First Named Inventor	Douglas A. Amorese			
Application Number	09/870,939			
Filing Date	May 30, 2001			
Group Art Unit	1634			
Examiner Name	Betty J. Forman			
Title	COMPOSITE ARRAYS			

Sir:

This Appeal Brief is filed in support of Appellants' appeal of the Examiner's Final Rejection dated August 17, 2004. A Notice of Appeal was filed by fax on November 17, 2004. As such, this Appeal Brief is timely filed.

This Appeal Brief is believed to be compliance with 37 C.F.R § 41.37, as amended by the final rule changes effective on September 13, 2004.

Please charge the \$500.00 fee for filing this Brief to our Deposit Account No. 50-1078. If this fee is incorrect, please charge or credit the account accordingly.

Dkt. No.:10010791-1 USSN:09/870,939

references, taken separately or together, fail to fairly suggest the claimed subject matter: an array containing cDNAs of at least 400 nucleotides in length and synthetic polynucleotide molecules that are no more than 100 nucleotides in length.

Accordingly, the cited references cannot render the claimed subject matter obvious and this rejection may be reversed.

## RELIEF REQUESTED

Appellants respectfully request that the rejection of claims 1-3, 5-20 and 38-41 under 35 U.S.C. §102(b) and 35 U.S.C. §103 be reversed, and that the application be remanded to the Examiner with instructions to issue a Notice of Allowance.

Respectfully submitted,
BOZICEVIC, FIFLI) & FRANCIS LLP

Date: Jan 11, 2005

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James Keddic Registration No. 48,920

Date: \_\_\_\_/. //. 05

Bret Field

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